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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,314	07/26/2006	Takao Hasegawa	040894-7476	4542
9629 7590 11/25/2009 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				
EXAMINER				
DENTER, CLARK F				
ART UNIT		PAPER NUMBER		
3724				
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11/25/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/587,314

**Applicant(s)**

HASEGAWA, TAKAO

**Examiner**

Clark F. Dexter

**Art Unit**

3724

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 2-12 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-27 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 13-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### DETAILED ACTION

1. The amendment filed on July 28, 2009 has been entered.

#### *Drawings*

2. The drawings are objected to because of the following informalities:

In Figure 3, a numeral or alphanumeral (e.g., 2a) should be added to indicate the hole/socket into which boss 43 is inserted.

In Figure 5, a numeral or alphanumeral (e.g., 26a) should be added to indicate the belt driven by motor 26.

In Figure 13, a numeral or alphanumeral should be added to indicate the positioning reference face of the punching unit (i.e., the left side of flange panel 42).

In Figures 14 and 18, a numeral or alphanumeral (e.g., 55a) should be added to indicate the recess in component 55.

In Figures 14, 16, 17 and 18, the two occurrences of "52a" in each figure appears to be inaccurate, and it seems that each should be changed to --53--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the stapler as set forth in claim 1, line 4, and in claim 19, line 4; the non-volatile memory as set forth in claims 16, 22 and 26; and the feed screw mechanism as set forth in claim 27 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application as described above.

### ***Specification***

4. The disclosure is objected to because of the following informalities:

On page 17, line 11, "roller 26" is inaccurate and should read --motor 26--, and a numeral or alphanumerical (e.g., 26a) should be inserted after "belt" for clarity; in line 18, it seems that "to leave" should be changed to --away from-- for clarity; in line 19, "is" should read --are--.

On page 18, line 21, "positioning holes" should read --positioning holes or sockets 2a-- for clarity.

On page 21, lines 16, 19 and 22, "recess" should be changed to --recess 55a-- for clarity.

On page 22, lines 16 and 24, "recess" should be changed to --recess 55a-- for clarity; also, in line 20, it seems that --have-- should be inserted after "passed" for clarity.

Appropriate correction is required.

### ***Claim Objections***

5. Claims 1 and 13-27 are objected to because of the following informalities:

In claim 1, line 7, the recitation "at a leading end" is not sufficiently clear as to what it refers and it should be changed to read --at its leading end-- or the like; in line 13, it seems that "onto" should read --against-- for accuracy and clarity; in line 10, the recitation "positioned on an obverse side of the sheet" is not sufficiently clear and is improper since the invention is being positively defined in terms of the sheet which is not part of the claimed invention; similarly, in lines 10-11, the recitation "positioned on a reverse side of the sheet" is not sufficiently clear and is improper since the invention is being positively defined in terms of the sheet which is not part of the claimed invention.

In claim 13, line 10, the recitation "a positional deviation information on" is not sufficiently clear, and it seems that "a" should be deleted and "on" should be changed to --for-- or the like for clarity.

In claim 19, line 16, the recitation "at a leading end" is not sufficiently clear as to what it refers and it should be changed to read --at its leading end-- or the like; in line 22, the recitation "positioned on an obverse side of the sheet" is not sufficiently clear and is improper since the invention is being positively defined in terms of the sheet which is not part of the claimed invention; similarly, in lines 22-23, the recitation "positioned on a reverse side of the sheet" is not sufficiently clear and is improper since the invention is being positively defined in terms of the sheet which is not part of the claimed invention; in line 25, it seems that "onto" should read --against-- for accuracy and clarity.

In claim 23, line 9, the recitation "offset from" is vague and indefinite as to what is being set forth; in lines 15, 16, 29 and 30, it seems that --information-- should be inserted after "deviation" for clarity and accuracy.

In claim 25, line 1, it seems that --information-- should be inserted after "deviation" for clarity and accuracy.

In claim 26, line 1, it seems that --information-- should be inserted after "deviation" for clarity and accuracy.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al., pn 4,763,167.

Watanabe discloses a device with every structural limitation of the claimed invention including:

a sheet table (e.g., 323);

an aftertreatment mechanism including a punching device (e.g., 322) for punching a paper sheet on the sheet table, wherein the aftertreatment mechanism performs an aftertreatment of a punching operation;

a closing type fence (e.g., 324) positioned at a leading end on a downstream side of the sheet table; and

a pair of feed rollers (e.g., 320a, 320b) disposed upstream of the closing type fence and including an upper roller (e.g., 320a) positioned on an obverse side of the sheet and a lower roller (e.g., 320b) positioned on a reverse side of the sheet,

wherein the feed rollers position the sheet on the sheet table by pushing the sheet onto the closing type fence, and

the closing type fence is opened after the aftertreatment to discharge the sheet.

***Allowable Subject Matter***

8. Claims 13-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Claims 19-27 are allowable over the prior art of record.

***Response to Arguments***

10. Applicant's arguments filed July 28, 2009 have been fully considered but they are not persuasive.

Regarding applicant's arguments in the second paragraph on page 11 of the subject response, it is respectfully submitted that the prior art clearly discloses all of the claimed structure. Applicant argues that feature 302 is not a punch. However, it is respectfully submitted that the reference to 302, which was presented as an example, was clearly a typographical error, particularly based on the figure (i.e., Figure 9) from which all of the other features are found in the reference. Further, it is respectfully submitted that it is clear from the disclosure that the prior art discloses a punch (as demonstrated by applicant's arguments against the prior art; see the third paragraph on page 13 of the subject response).

***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/  
Primary Examiner, Art Unit 3724**

cfd  
November 23, 2009